

*** NOT FOR PUBLICATION ***

NO. 26123

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MATTHIAS DAVID KEMENY, Plaintiff-Appellee

vs.

KRISTINA K.I. KEMENY, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-M NO. 03-1-0220)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the August 27, 2003 proceeding in FC-M 03-1-0220 was a proceeding on the July 30, 2003 motions for post-decree relief that sought modification of visitation and child support. The family court's August 27, 2003 order determined the issue of child support, but did not determine the issue of visitation. Absent a determination of the issue of visitation, the appeal of the August 27, 2003 order is premature. See Familian Northwest Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 714 P.2d 936 (1986) (a post-judgment order is an appealable final order under HRS § 641-1(a) if it finally ends the post-judgment proceeding, leaving nothing further to be determined). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 21, 2004.